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**CENTRAL FAX CENTER****JUN 21 2006****FAX TRANSMISSION****DATE:** June 21, 2006**PTO IDENTIFIER:** Application Number 10/616696-Conf. #1591

Patent Number

**Inventor:** Narutoshi SUGITA et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP

Anthony A. Laurentano

**PHONE:** (617) 227-7400**Attorney Dkt. #:** CSC-021CN**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page)  
Response to Restriction Requirement (with Traverse) (2 pages)  
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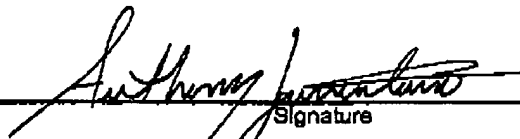
Application No. (if known): 10/616696

Attorney Docket No.: CSC-021CN

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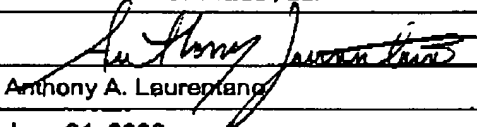
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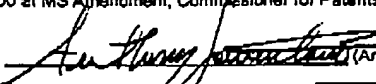
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/616696-Conf. #1591
	Filing Date	July 9, 2003
	First Named Inventor	Narutoshi SUGITA
	Art Unit	1745
	Examiner Name	D. W. D. Yuan
Total Number of Pages in This Submission	Attorney Docket Number	CSC-021CN

ENCLOSURES (Check all that apply)		
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Date	June 21, 2006	Reg. No.	38,220

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(Anthony A. Laorantano)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Narutoshi Sugita *et al.*

Application No.: 10/616696

Confirmation No.: 1591

Filed: July 9, 2003

Art Unit: 1745

For: SOLID POLYMER ELECTROLYTE FUEL  
CELL STACK

Examiner: D. W. D. Yuan

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed May 22, 2006 (Paper No. 05162006).

The Examiner has required restriction between the following distinct species of the claimed invention in the above-identified application:

Species I - encompassing claims 1-4 which is drawn to a fuel cell stack comprising a plurality of fuel cell units, a fuel gas supply/discharge passage, an oxygen-containing gas supply/discharge passage, a plurality of fuel gas flow passages and a plurality of oxygen-containing gas flow passages;

Species II - encompassing claims 5-8 drawn to a fuel cell stack comprising a plurality of fuel cell units, a fuel gas supply port, an oxygen-containing gas supply port, a plurality of fuel gas flow passage and a plurality of oxygen-containing gas flow passages;

Species III - encompassing claims 9-19 drawn to fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, a fuel gas supply/discharge passage, and an oxygen-containing gas supply/discharge passage;

Application No.: 10/616696

Docket No.: CSC-021CN

Species IV - encompassing claims 20-26 drawn to a fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, a fuel gas supply/discharge passage, a supply port for the fuel gas supply/discharge passage and a discharge port for the fuel supply/discharge passage; and

Species V - encompassing claims 27-32 drawn to a fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, an oxygen-containing gas supply/discharge passage, a supply port for the oxygen-containing gas supply/discharge passage and a discharge port for the oxygen-containing gas supply/discharge passage.

Accordingly, Applicants hereby elect Species II, claims 5-8 for continued examination, with traverse. Applicants respectfully note that claim 5 is generic relative to the claims within the elected group.

Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various species appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Dated: June 21, 2006

Respectfully submitted,

By 

Anthony A. Lauchiano

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